

# Dimensions

Volume 21 Department of Professional and Occupational Regulation Spring 2001

## Business Registrations



The Board's regulations require that any business that offers and/or provides professional services within the Commonwealth of Virginia must be registered with the APELSCIDLA

Board. The only exception to this rule is sole proprietorships that do not employ other individuals for which licensing is required.

The structure of a business determines what type of business registration is needed from the Board. An attorney or CPA can assist in determining the best type of structure for a business if it has not already been established. You may contact the Virginia State Corporation Commission (SCC) at (804) 371-9733 to obtain additional information on the various types of businesses. Once a business has been established, then you will need to determine the appropriate type of registration you need to obtain from the Board. The business registrations available from the Board are professional corporation, professional limited liability corporation, and business entity. Each type of registration has different requirements that must be met in order to be approved by the Board.

Professional corporation registration requirements are described in Part VIII of the Board's Regulations. In summary, the application must be accompanied by a certificate of incorporation obtained by the SCC if incorporated in Virginia, or a certificate of authority if a foreign professional corporation. Additionally, each application must include certified true copies of the articles of incorporation and bylaws. The articles of incorporation and bylaws must include certain statements as described in 18 VAC 10-20-530.C. of the regulations, and the board of directors must meet certain requirements pursuant to 18 VAC 10-20-530.D.

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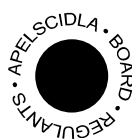
## CLARB Annual Meeting Held In VA

Virginia was the host jurisdiction for the 2000 Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting. The meeting was held in Richmond, Virginia, from Thursday, September 21, 2000, to Saturday, September 23, 2000. Lucille "LuGay" Lanier, a former member of the Landscape Architects Section of the APELSCIDLA Board (1990-1998), presided over this meeting as the final act of her presidency of CLARB. Virginia Senator John Watkins was the keynote speaker. The meeting was well attended by representatives of boards from across the country.



At the President's Awards Reception and Banquet on the last night of the meeting, Ms. Lanier bestowed Presidential Recognition Awards on three individuals. One of the recipients of this award was former Landscape Architects Section member Philip A. Shaw (1990-1997) for his exemplary service as a master grader of the licensure examination. Mr. Shaw currently resides and is practicing in Arizona. ▲

## 2001 Legislation



This year's General Assembly Session resulted in a bill that may be of interest to the APELSCIDLA Board regulators. House Bill 2174 provides for the voluntary certification of residential home inspectors by the Department of Professional and Occupational Regulation through the Board for Asbestos, Lead and Home Inspectors. Under the bill, no person may provide a certified home inspection or hold himself out as, or use the title of, a "certified home inspector," unless certified by the board.

You may view this bill, and any action taken by the General Assembly, at <http://leg1.state.va.us>. ▲

## Prigmore Awarded NCARB Medal



The recipient of the National Council of Architectural Registration Board's (NCARB) Presidential Medal at the 2000 Annual Meeting and Conference was APELSCIDLA Board member Kathryn T. Prigmore. The Presidential Medal is awarded to an individual who has made a significant contribution to the protection of the public health, safety and welfare through service to NCARB. The presentation was made at the final event of the presidency of Joseph P. Giattina, Jr., FAIA, at the close of NCARB's 2000 Annual Meeting and Conference in Chicago on June 18, 2000.

She has made significant contributions to NCARB's mission through her work as a hand grader, member, coordinator, Vice-Chair and Chair of the Architect Registration Examination (ARE) Subcommittee, as Chair of the Grading Subcommittee, and as a member and Chair of the Committee on Examinations. She also served as a member of the Examination Management Task Force and as Co-Chair of the New Item Type Task Force.

Ms. Prigmore has served on the Architects Section of the APELSCIDLA Board with professionalism and leadership since 1993 and is currently Vice-Chairman of the Board. Ms. Prigmore is a senior associate at Einhorn Yaffee Prescott—the 13th largest A/E firm in the nation—based in Washington, D. C. She is also an associate professor of architecture and design at the Howard University College of Engineering, Architecture and Computer Sciences. ▲

## Using GPS Equipment for Boundary Closures



"Has the APELSCIDLA Board rendered an opinion regarding the use of GPS equipment for boundary closures?" is a question recently posed to the Board. The answer to this question is no. It is the opinion of the Land Surveyors Section of the APELSCIDLA Board that the use of appropriate GPS equipment, independently or in concert, with appropriate conventional field and office surveying procedures in conducting a land boundary survey would be allowed as long as comparable accuracies are achieved.

However, the regulant needs to be cognizant of all the requirements set forth in regulation 18 VAC 10-20-370 of the Board's regulations. By application of a seal, signature and date, the regulant is certifying compliance with all the current standards of a land boundary survey. Therefore, the Land Surveyors Section of the Board strongly recommends that regardless of the equipment, systems, or procedures utilized in conducting any land boundary survey, and more specifically in the event of a future independent verification of a land boundary survey, the regulant should assure that they have adhered to the Minimum Standards and Procedures for Land Boundary Surveying Practice.

The Board is currently considering a regulation change that will address the issue of independent point positional accuracies and other related standards. ▲

## Did You Know . . .

- As mentioned in a previous issue of **DIMENSIONS**, many of the Board's applications are available on-line at [www.state.va.us/dpor](http://www.state.va.us/dpor). Now, in addition to the professional engineer, engineer-in-training, and the architect applications, the land surveyor, certified interior designer, and landscape architect applications are also available on-line. Be sure to download all pages of the application, including the instruction sheet (s), and the regulations when using the internet to obtain the forms for applying for licensure/examination.
- The Board office often receives e-mails from individuals interested in applying for licensure or examination. Many of these e-mails include descriptions of experience and a request that this information be reviewed and a determination be made on whether or not the individual qualifies for licensure or examination. Please be aware that the Board staff, nor the Board members, can determine whether or not your application would be approved without a completed application and fee. Please DO NOT e-mail the Board office with a description of your experience and expect to be informed of whether or not your application would be approved based on the information that you provide.▲



**Business Registrations***(Continued from page 1)*

Professional Limited Liability Company (PLLC) registration requirements are described in Part IX of the Board's Regulations. All applications must be accompanied by a certified true copy of the certificate of organization issued by the SCC or, if a foreign corporation, a certificate of registration from the SCC, and copy of the articles of organization or operating agreement with certain language included pursuant to 18 VAC 10-20-590.C.

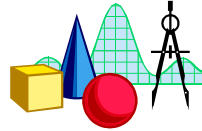
The requirements for registration as a business entity are included in Part X of the Board's Regulations. A business entity registration application is completed for all businesses other than a professional corporation or PLLC. If a partnership, the application is accompanied by a copy of the partnership agreement. If a corporation, the application must be accompanied by certified true copies of the articles of incorporation, bylaws and charter, and, if a foreign corporation, a copy of the certificate of authority issued by the SCC. If the company is a limited liability company (not a professional limited liability company) the application must include a certified true copy of the certificate of organization issued by the SCC and, if a foreign limited liability company, a copy of the certificate of authority issued by the SCC.

In addition to the applications mentioned above, a company that has more than one office offering or performing professional services in Virginia must obtain a branch office registration for each additional office. The branch office must have a *different* professional in responsible charge than the individual(s) listed on the main office application for each profession.

All business registrations and branch office registrations must be renewed every two years. Registrations for professional corporations, PLLC's and business entities expire on December 31 of each odd-number year. Branch office registrations expire the last day of February of each even-numbered year. Branch offices may not renew until the main office registration is properly renewed. Although renewal notices are mailed out, it is the regulants responsibility to ensure that the firm holds a current registration.

This information is meant to provide a summary of the requirements for registering your business; however, it should not be relied on exclusively to determine the minimum requirements for registering your business. Please refer to the Board's regulations and/or contact the Board office at (804) 367-8506 or -8512 for more information. ▲

## Board Changes

**James K. Lowe, Jr., Professional Engineer Member**

James K. Lowe, Jr., was appointed to the Professional Engineers Section of the APELSCIDLA Board in March 2001 to succeed Stanley C. Harris.

The Board and staff wish to thank Mr. Harris for his 11 years of service and dedication to the Board.

Mr. Lowe is currently Vice President and Counsel for the Roanoke, Virginia-based architectural, engineering and planning firm Hayes, Seay, Mattern & Mattern, Inc. Prior to joining HSMM in 1991, Mr. Lowe was employed by Wiley & Wilson in Lynchburg, Virginia, and the National Park Service and Naval Facilities Engineering Command in Washington, D.C.

Mr. Lowe earned his Bachelor of Science in Civil Engineering in 1978 from Virginia Polytechnic Institute and State University. In 1983, Mr. Lowe earned a Master in Engineering Administration from the George Washington University. And, in 1988, Mr. Lowe was awarded a Juris Doctor from George Mason University School of Law. As an adjunct professor at VPI&SU, Mr. Lowe teaches "Professional and Legal Problems," a required senior-level course in the College of Civil and Environmental Engineering.

Mr. Lowe is a member of the Virginia Design-Build/Construction Management Review Board, serving as the board's professional engineering representative since the board's creation in 1996. Mr. Lowe's professional associations include the Virginia Society of Professional Engineers, the National Society of Professional Engineers, the Virginia State Bar, and the American Bar Association. Mr. Lowe is a licensed professional engineer and attorney in the Commonwealth of Virginia.

**WELCOME!!****Board Appointments**

In addition to Mr. Lowe, Ronald G. Helton of the Professional Engineers Section was reappointed to serve another term. Robert A. Boynton and David L. May, Jr., both of the Architects Section, were reappointed to serve another term. John M. Elkin and Wilmer F. Sirine, II, of the Land Surveyors Section, were also reappointed to serve another term. ▲

## Competency-Based Intern Development Program



*Please share this information with those members of your staff who are candidates for or eligible for the examination.*

A representative from the American Institute for Architects recently made a presentation to the Architects Section of the APELSCIDLA Board regarding a competency-based pilot internship program. The program will be voluntary to interns who may choose to participate in the program. Only three states will take part in the program: Virginia, California, and Illinois. The program is to require a minimum of eighteen months participation.

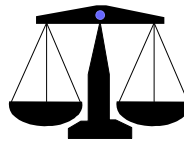
Several concerns that the Architects Section requested the AIA to address include making it clear to the participant that Virginia requires a professional degree from an accredited program, clarifying the unclear length of internship, the setting(s) of the internship experience, the criteria for the monitoring of quality-based experience and who would decide the quality standards, and how the interns will be made and kept aware that the program is not an alternative to the NCARB-IDP currently required by Virginia and the majority of the other states.

The AIA and NCARB created and developed the current NCARB-IDP beginning in the 1970's. Virginia implemented the NCARB-IDP in 1993; however, at that time it could not be required exclusively as the method for obtaining the internship training/experience. In December 1999, the Board began requiring the NCARB-IDP exclusively. The 1993 regulation, the 1999 regulation, and the plethora of written information regarding Virginia's requirements for the NCARB-IDP have not appreciably increased participation in the NCARB-IDP in the Commonwealth. The pilot program may confuse interns and possibly cause many interns to avoid the NCARB-IDP in favor of the pilot program, which would not meet the Board's requirements.

The pilot program has a tentative start date of mid to late 2001. This program is entirely voluntary on the part of the intern and is not a substitution for NCARB-IDP, which is required by the Board. ▲



## Disciplinary Actions



The following is a summary of actions taken against regulants by the APELSCIDLA Board. Although every effort is made to ensure that the information is correct, before making any specific decision based upon this information, you should check with the Board office to ensure accuracy.

### FILE NUMBER 00-00645, Larry G. Rakes, LS

**VIOLATION**—In 1998, Rakes performed a survey and did not conduct proper research to obtain descriptions of the property to be surveyed, resulting in an inaccurate survey map of the property. Rakes also failed to include the scale of drawing in the title section of the map, and failed to conform to minimum standards in the performance in the preparation of a map for the property. **BOARD ACTION**—Consent Order imposing a monetary penalty of \$1050 to be paid within 30 days of the effective date of the Order. Additionally, Rakes must reimburse the property owner for fees paid for the survey, and pay for another survey by a surveyor that the property owner finds acceptable. **REGULATIONS VIOLATED**—(1997) 18 VAC 10-20-370.A, 18 VAC 10-20-370.C(2)(a), and 18 VAC 10-20-730.C. **EFFECTIVE DATE**—September 22, 2000

### FILE NUMBER 98-01771, Larry G. Rakes, LS

**VIOLATION**—In 1997, Rakes performed a survey and failed to include the source of North Meridian, failed to include a statement that the survey is based on a current field survey of the property, failed to follow minimum standards in his calculations and performance of field measurements, and failed to reference the adjoining property in the production of the map. **BOARD ACTION**—Final Order imposing an aggregate monetary penalty of \$1000, a two-year inoperative suspension of Rakes' Land Surveyor license, and requirement that Rakes take and satisfactorily pass the Core part of the Virginia portion of the Land Surveyor's examination. **REGULATIONS VIOLATED**—(1997) 18 VAC 10-20-370.C.2.i, 18 VAC 10-20-370.C.2.m, 18 VAC 370.B.1, 18 VAC 10-20-370.B.2, 18 VAC 10-20-370.B.3, and 18 VAC 10-20-370.C.2.c. **EFFECTIVE DATE**—June 15, 1999

### FILE NUMBER 99-02274, Shanks Associates, PC

**VIOLATION**—On January 1, 1999, Fred O. Shanks,

(Continued on page 6)

## Examination Statistics

The following statistics are a compilation of the Virginia candidates who sat for the April and October 2000 Engineering and Land Surveying examinations.

### April 2000 Engineer Exam Results

	# Candidates	# Passing	% Passing
Fundamentals			
	433	194	45
Principles and Practice			
	843	557	66

### October 2000 Engineer Exam Results

	# Candidates	# Passing	% Passing
Fundamentals			
	449	242	54
Principles and Practice			
	462	211	46

### April 2000 Land Surveyor Exam Results

	# Candidates	# Passing	% Passing
Fundamentals			
	35	21	60
Principles and Practice			
	24	20	83
	Virginia Portion		
Core Exam			
	40	28	70
Option A			
	54	15	28
Option B			
	2	1	50

### October 2000 Land Surveyor Exam Results

	# Candidates	# Passing	% Passing
Fundamentals			
	37	23	62
Principles and Practice			
	27	17	63
	Virginia Portion		
Core Exam			
	42	18	43
Option A			
	67	17	25
Option B			
	2	0	0

Here are the statistics for the Virginia candidates who took the June and December 2000 Landscape Architecture Examinations (LARE):

### June 2000 LARE Results

	# Candidates	# Passing	% Passing
Legal & Administrative Aspects of Practice (Section A)			
	35	22	63
Analytical Aspects of Practice (Section B)			
	25	22	88
Planning & Design (Section C)			
	25	11	44
Structural Cons. & Methods & Materials of Const. (Section D)			
	28	23	82
Grading, Drainage & Storm Water Management (Section E)			
	20	7	35

### December 2000 LARE Results

	# Candidates	# Passing	% Passing
Planning & Site Design			
	XX	XX	XX
Structural Considerations & Materials & Methods			
	XX	XX	XX

**Quiet!**  
**EXAM IN PROGRESS**


SHHHH! SHHHH!



(Continued on page 6)

**Exam Statistics***(Continued from page 5)*

The following statistics are a compilation of the Virginia candidates who sat for the Architecture Registration Examination (ARE) between April and December 2000.



April and December 2000			
	# Candidates	# Passing	% Passing
Building Planning	75	46	61
Building Technology	63	58	92
Construction Documents	50	48	96
General Structure	52	45	87
Lateral Forces	52	47	90
Materials & Methods	46	44	96
Mechanical & Electrical Systems	53	40	75
Pre-Design	57	50	88
Site Planning	62	53	85

**Disciplinary Actions***(Continued from page 4)*

III, PC's corporate name was changed to Shanks Associates, PC, trading as J.A. Gustin and Associates, by filing the documents with the State Corporation Commission. Shanks did not register the corporate name change with the Board until July 16, 1999. Shanks also listed non-licensed land surveyor employees as a "surveyor" on the corporate website in January, 1999. Shanks failure to file a true copy of the corporate name change with the Board within 30 days of the adoption of the name change and Shanks' misrepresentation of his associates' professional qualifications in soliciting work are violations of the Board's regulations. **BOARD ACTION**—Consent Order imposing a total monetary penalty of \$500 to be paid within 60 days of the entry of the Order. **REGULATIONS VIOLATED**—(1997) 18 VAC 10-20-620.A. and 18 VAC 10-20-720.2. **EFFECTIVE DATE**—September 14, 2000

**FILE NUMBER 99-03030, Stephen A. Childrey, Arch**

**VIOLATION**—Childrey made revisions to a drawing prepared, signed and sealed by another licensee. The revisions made were not authorized by the other licensee, and included egress and plumbing fixture changes. Additionally, Childrey removed the seal of the licensee and affixed his own seal to the drawing with no indication that revisions had been made or when the revisions occurred.

**BOARD ACTION**—Consent Order imposing a monetary penalty of \$2000 to be paid within 30 days of the entry of the Order. **REGULATIONS VIOLATED**—(1997) 18 VAC 10-20-790.A.5. (2 counts) **EFFECTIVE DATE**—June 9, 2000

**FILE NUMBER 98-02802, Thomas E. Shumate, LS**

**VIOLATION**—Shumate had multiple violations of the Board's regulations regarding four surveys that he performed. Additionally, Shumate prepared a plat that does not provide a description of adjoining land as it pertains to common boundaries and does not appear to establish that evidence found, from all sources, was carefully compared with that located and found in the field survey in order to establish the correct boundaries of the land being surveyed. **BOARD ACTION**—Consent Order imposing total monetary penalties and costs of \$2900. Also, Shumate agreed to perform a field survey of the property in question. **REGULATIONS VIOLATED**—(1984) §§ 2.11.a, 2.11.b, 2.11.c, 2.11.d; and (1988) § 4.12.A. **EFFECTIVE DATE**—December 17, 1999

**FILE NUMBER 97-00351, Stephen L. Barcena, LS**

**VIOLATIONS**—Barcena previously entered into a Consent Order whereby he admitted violating the Board's 1994 Regulations §§ 12.6.C and 12.11.A.3 and consented to the imposition of monetary penalties and costs of \$1850 to be paid within 60 days of the effective date of the Order. Failure to comply with all terms of the Order within the specified time period would result in the automatic suspension of Barcena's license until such time as the penalty is paid or there is complete satisfactory compliance, and the issuance of a Final Order citing the same violations with a total monetary penalty of \$2000.

**BOARD ACTION**—Due to his failure to comply, the Board entered a Final Order imposing a monetary penalty of \$2000 and suspension of Barcena's land surveyor license until the penalty is paid or there is complete satisfactory compliance. **REGULATIONS VIOLATED**—(1994) §§ 12.6.C and 12.11.A.3 **EFFECTIVE DATE**—March 29, 1999 ▲

## EXAMINATION SCHEDULE

## PROFESSIONAL ENGINEER &amp; LAND SURVEYOR EXAM DATES

<u>Exam Date</u>	<u>Application Due Date</u>	<u>Exam Fee Due Date</u>
October 26, 2001	June 28, 2001	September 24, 2001
April 19, 2002	December 21, 2001	March 15, 2002
October 25, 2002	June 28, 2002	September 25, 2002

## ENGINEER-IN-TRAINING &amp; SURVEYOR-IN-TRAINING EXAM DATES

<u>Exam Date</u>	<u>Application Due Date</u>	<u>Exam Fee Due Date</u>
October 27, 2001	June 28, 2001	September 24, 2001
April 20, 2002	December 21, 2001	March 15, 2002
October 26, 2002	June 28, 2002	September 25, 2002

## LANDSCAPE ARCHITECT EXAM DATES

<u>Exam Dates</u>	<u>Application Due Date</u>	<u>Exam Fee Due Date</u>
June 11-13, 2001	February 12, 2001	March 29, 2001
December 3-4, 2001	August 6, 2001	September 19, 2001
June 10-12, 2002	February 11, 2002	March 27, 2002

## Notes:

- **ARCHITECTS:** The Architectural Registration Examination is given year-round; therefore, there are no deadlines. The architect applications are reviewed on a continuous basis.
- **INTERIOR DESIGNERS:** The interior designers examination is administered by NCIDQ. You may reach them by dialing (202) 721-0220.

## MOVING? PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

Name: \_\_\_\_\_

Profession: \_\_\_\_\_

License Number: \_\_\_\_\_

Old Address: \_\_\_\_\_

New Address: \_\_\_\_\_

(P.O. Box must be accompanied by your physical address)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mail to:

APELSCIDLA Board, Department of Professional & Occupational Regulation  
 3600 West Broad St.  
 Richmond, VA 23230-4917

## CALENDAR OF EVENTS

Please note that meetings usually begin at 9:00 a.m. at the Department offices.

May	2	Architects Section Meeting	Aug	8	Architects Section Meeting
	9	Professional Engineers Section Meeting		15	Professional Engineers Section Meeting
	16	Land Surveyors Section Meeting		22	Land Surveyors Section Meeting
	23	Landscape Architects Section Meeting		29	Landscape Architects Section Meeting
	30	Interior Designers Section Meeting	Sept	5	Interior Designers Section Meeting
June	6	APELSCIDLA Board Meeting		12	APELSCIDLA Board Meeting

## APELSCIDLA BOARD MEMBERS

<u>Architects</u> Robert A. Boynton David L. May, Jr. Kathryn T. Prigmore **	<u>Prof. Engineers</u> Richard N. Davenport Ronald G. Helton James K. Lowe, Jr.	<u>Land Surveyors</u> Doyle B. Allen John M. Elkin, Jr. Wilmer F. Sirine, II *	<u>Landscape Arch.</u> Ralph B. Higgins William M. Davenport	<u>Interior Designers</u> M. Lou Barnett Patricia W. Stockdon
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\* Board President, \*\* Board Vice-President

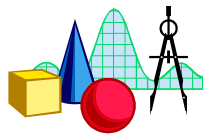
## IMPORTANT TELEPHONE NUMBERS

Licensing or Applications	(804) 367-8512 or -8506	Examination Questions	(804) 367-8569
Board Administration	(804) 367-8514	Complaints	(804) 367-8504

## IMPORTANT WEB SITE AND E-MAIL ADDRESSES

APELSCIDLA Web Site: <http://www.state.va.us/dpor> E-mail: [APELSLA@dpor.state.va.us](mailto:APELSLA@dpor.state.va.us)

NCARB:	<a href="http://www.ncarb.org">http://www.ncarb.org</a>	CLARB:	<a href="http://www.clarb.org">http://www.clarb.org</a>
NCEES:	<a href="http://www.ncees.org">http://www.ncees.org</a>	NCIDQ:	<a href="http://www.ncidq.org">http://www.ncidq.org</a>



All Regulators   ●   Architects   ●   Professional Engineers   ●   Land Surveyors   ●   Landscape Architects   ●   Interior Designers



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Change of Address? Notify the Board Office in Writing.